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July 2, 2019

Via ECF

Hon. Peggy Kuo
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Allstate Ins. Co., et al. v. Mirvis, et al.*, No. 08-CV-4405 (PKC) (PK)
Motion to Respond, with Court's Leave, in Opposition to Motions of Mark Mirvis

Dear Judge Kuo:

Along with Cadwalader, Wickersham & Taft LLP, we represent Plaintiffs-Judgment Creditors ("Plaintiffs") in the above-referenced matter, and we write to respond in opposition to the related motions of *pro se* Judgment Debtor Mark Mirvis (the "Judgment Debtor") seeking Court-appointed counsel (ECF No. 632) and to proceed *in forma pauperis* (ECF No. 633) (the "Motions"). In advance of the Court's July 9, 2019 hearing on the Motions, Plaintiffs respectfully ask that the Court consider certain significant facts¹ that Plaintiffs believe require denial of the Motions, including that, as discussed herein, the Judgment Debtor has maintained his self-imposed *pro se* status, even as three non-party immediate family members, including his wife Lyubov Mirvis, daughter Tatyana Mirvis, ECF No. 35 (E.D.N.Y. Dec. 28, 2018) and son-in-law Alexander Boriskin (the "Mirvis Non-Parties") – some of them already adjudged parties to fraudulent conveyances – have appeared herein through counsel for years, and even while the Judgment Debtor has counsel of record in another RICO action by Plaintiffs in this very District.

Indeed, in the matter of *Allstate Insurance Company v. Khotenok*, the Judgment Debtor is represented by attorney Gary Tsirelman, belying and plainly contradicting any claim that he is unable to afford counsel. See No. 18-CV-5650 (JBW) (RER), ECF No. 35 (E.D.N.Y. Dec. 28,

¹ In the absence of any specific rule on briefing applicable to the present circumstances, Plaintiffs respectfully ask that the Court grant them leave to respond to the Motions by this letter.

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MORRISON MAHONEY LLP

Hon. Peggy Kuo
July 2, 2019
Page 2

2018) (Notice of Appearance by Gary Tsirelman, P.C. for Defendant Mark Mirvis). It is respectfully submitted that any inquiry as to the financial means of the Judgment Debtor to afford counsel is unnecessary and should be avoided on this ground alone, so as to prevent further delay and waste of judicial resources.

Moreover, the Judgment Debtor's ruse of financial hardship is supported by no documentary or other evidence apart from his own self-serving responses to form questions, and the circumstances surrounding the Motions permit little doubt that they were part of a concerted effort with the Mirvis Non-Parties to further delay these proceedings and, yet again, Plaintiffs' enforcement of the Judgment.

Accordingly, Plaintiffs respectfully submit that the Court should reject this false request for assistance, and that the Motions should be denied.

Thank you for your consideration in this regard.

Respectfully submitted,

MORRISON MAHONEY LLP

By: /s/ Andrew Midgett
Andrew S. Midgett, Esq.

Counsel for Plaintiffs-Judgment Creditors

Cc (via First Class Mail):

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